

REMARKS

In the final Office action dated December 10, 2004, claims 1-5, 7-9, 12, 15, 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Martin (5,575,817). Additionally, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Martin and claim 11 was rejected under § 103(a) as being unpatentable over Martin in view of Drasler et al. (6,451,051). Additionally, claims 6, 18, 20 and 21 were rejected under § 103(a) as being unpatentable over Martin in view of Leonhardt et al. (5,713,917). Claims 22 and 23 were deemed allowable over the prior art of record.

In rejecting independent claim 1 and certain of its dependent claims under § 102(b), the Examiner stated that the cited Martin patent discloses a "system for treating vasculature at a repair site comprising a first treatment component (Fig. 1, Reference Number 1), a first sheath or retractable membrane (Column 2, Lines 5-6) with a length sufficient to extend to a repair site and before being retracted, a first treatment component (Fig. 1, Reference Number 7) and a loading capsule comprising the restraining sheath of the second section and a pusher assembly or catheter (Column 2, Lines 18-22) with an inner tube (Figure 3)." The Examiner also stated that the Martin patent "further discloses that the first sheath and the restraining sheath of the loading capsule are configured to mate (Column 2, Lines 22-30) and therefore having approximately equal outer profiles." Significantly, in making this latter statement the Examiner treated the recitation of the mating relationship between the loading capsule and restraining sheath as a structural feature.

It is respectfully submitted that the Martin reference does not teach a loading capsule including a superior terminal end that is configured to mate with the inferior end of the first sheath as is recited in independent claim 1. Column 2, Lines 22-30 of the cited Martin patent

upon which the Examiner relies for the teaching of a restraining sheath and a loading capsule which are configured to mate is believed to be lacking. A careful reading of the Martin patent reveals that the retractable membrane employed to deliver and release the disclosed inverted Y graft is removed from the site prior to utilizing a second catheter to deliver a second section of the inverted Y graft within vasculature. Accordingly, "the first sheath and the restraining sheath of the loading capsule" described by the Examiner as "comprising a restraining sheath of the second section" do not mate and in fact, are not intended to mate. Clearly, since the structures are not intended to mate, Martin does not disclose the structure recited in independent claim 1, namely a loading capsule including a superior terminal end that is configured to mate with an inferior end of the first sheath. Again, it is believed to be significant that the Examiner has treated this limitation as defining a structure. As such, it is respectfully submitted that independent claim 1 and its dependent claims recite subject matter which is patentable over the cited art.

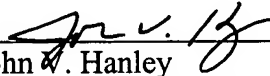
For the same reasons, it is believed that independent claim 18 and its dependent claims recite subject matter which is patentable over the cited art. As set forth above, the Martin patent does not teach an introducer sheath having an inferior end configured to mate with a superior terminal end of a loading capsule assembly. The Leonhardt et al. patent also lacks the teaching of such structure. Notably, once the bifurcated graft of Leonhardt et al. is delivered within vasculature, a contralateral approach and a separate sheath introducer is utilized to deliver an extension graft within vasculature. There is no disclosure whatsoever in the Leonhardt reference of a mating arrangement between a superior terminal end of a loading catheter and an inferior end of an introducer sheath. Therefore, it is believed that independent claim 18 and its dependent claims should also be deemed allowable.

CONCLUSION

Applicants have attempted to respond to each and every rejection set forth in the outstanding Office Action. In view of the above amendments and remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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